



Order Filed on September 21, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

MCC4795
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ATTORNEYS FOR DEBTOR

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE:

Chapter 13

Robert & Deborah Fassi

Case No.: **14-35893 (KCF)**

ORDER APPROVING POST-PETITION FINANCING

The relief set forth on the following pages, numbered two (2) through four (4) is hereby ORDERED.

DATED: September 21, 2017


Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

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Debtor(s): Robert & Deborah Fassi

Case No.: **14-35893 (KCF)**

Caption of Order: **Order Approving Post-Petition Financing**

THIS MATTER having come before the Court on the debtor's Motion to Approve Post-Petition Financing, and the Court having considered the debtors' motion and any opposition thereto, and good and sufficient cause appearing there from for the entry of this order, it is hereby

ORDERED that the debtor(s) be and hereby are allowed to modify the mortgage on real property located at 4 Spruce Way, Manalapan, New Jersey pursuant to the terms outlined in the debtors' certification in support of the refinancing motion; and it is further

ORDERED that from the funds received in connection with the loan modification, all liens on the property shall be paid in full, at closing; and it is further

ORDERED that debtor(s) are authorized to pay the usual and necessary costs and expenses of settlement; and it is further

ORDERED that the debtor shall:

☐ Satisfy all Plan obligation from financing proceeds

☐ Continue to make payments under the Plan as proposed or confirmed

☒ Modify the Plan as follows:

Debtor's plan will be modified to remove the mortgage arrears that were being paid to Caliber Home Loans through their chapter 13 plan.

ORDERED that debtor's counsel shall be allowed a legal fee of \$_____ for representation in connection with this motion, which is to be paid (choose one):

☐ at closing ☐ through the plan ☐ outside the plan;

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and it is further

ORDERED that, if applicable, the chapter 13 trustee shall be provided with a copy of the HUD-1 settlement statement within seven (7) days of the closing of the refinance; and it is further

ORDERED that Fed. R. Bankr. P. 6004(h), which provides for a 14 day stay of this order,

_____ is applicable X is not applicable

ORDERED that the following other provisions apply:

1. In the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, Secured Creditor shall amend the arrearage portion of its Proof of Claim to zero or withdraw the claim within thirty (30) days of completion of the loan modification.
2. The Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of loan modification and all money that would otherwise be paid to secured creditor, be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by the secured creditor that the modification was not consummated.
3. In the event the modification is not consummated, the secured creditor shall notify the Trustee and debtor's attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to secured creditor.
4. In the event the Proof of Claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order to other

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creditors in accordance with the provisions of the confirmed plan.

5. Debtors shall file an amended Schedule J and Modified Plan within twenty (20) days of this Order.

6. With respect to any post-petition orders, claims for post-petition mortgage arrears, and orders for creditor's attorney's fee which are being capitalized into the loan, secured creditor will amend any and all post-petition orders or claims within 30 days after completion of the loan modification.